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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David L. Rimm et al

Serial No.: Continuation of 08/976,886

Filed: Concurrently herewith

For: "Method for the Detection, Identification, Enumeration and Confirmation of Circulating Cancer and/or Hematologic Progenitor Cells in Whole Blood"



Docket No.: H-1296(2)Cont.

Group: 1642

Examiner: Y. Eyler

**PRELIMINARY AMENDMENT**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

Please amend the this continuing patent application as follows.

**IN THE SPECIFICATION:**

On page 1, line 1, please insert ~~--This is a continuation of co-pending USSN~~  
08/976,886, filed November 27, 1997.--.

**IN THE CLAIMS:**

Please cancel Claim 8 without prejudice.

Please rewrite Claims 1-7, 9-11, 13 and 14 as follows.

- 1.(amended) A method for detecting the presence or absence of circulating [target pathologically abnormal nucleated] epithelial cancer cells in an anticoagulated whole blood sample, said method comprising the steps of:
- a) providing [a] an at least partially transparent [tube] container having a [bore] cavity containing [a generally cylindrical] an insert, said [tube] container and insert combining to form a [well-defined zone] free volume between the insert and the walls of [in] the [tube] container;
  - b) combining the blood sample with one or more epitope-specific labeling agents so as to differentiate any [pathologically abnormal target nucleated] epithelial cancer cells from other cells in the blood sample;
  - c) combining the blood sample with a colorant which is operable to clarify epithelial